

**COUNT 2: DECLARATORY RELIEF REGARDING
NON-INFRINGEMENT OF U.S. PATENT NO. 7,660,700**

9. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 8 above.

10. Plaintiff denies the allegations of Paragraph 10.

**COUNT 3: DECLARATORY RELIEF REGARDING
NON-INFRINGEMENT OF U.S. PATENT NO. 7,949,494**

11. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 10 above.

12. Plaintiff denies the allegations of Paragraph 12.

**COUNT 4: DECLARATORY RELIEF REGARDING
NON-INFRINGEMENT OF U.S. PATENT NO. 8,214,175**

13. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 12 above.

14. Plaintiff denies the allegations of Paragraph 14.

**COUNT 5: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 7,346,472**

15. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 14 above.

16. Plaintiff denies the allegations of Paragraph 16.

**COUNT 6: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 7,660,700**

17. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 16 above.

18. Plaintiff denies the allegations of Paragraph 18.

**COUNT 7: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 7,949,494**

19. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 18 above.
20. Plaintiff denies the allegations of Paragraph 20.

**COUNT 8: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 8,214,175**

21. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 20 above.
22. Plaintiff denies the allegations of Paragraph 22.

REQUEST FOR RELIEF

Plaintiff denies that Defendant is entitled to any of the relief it requests.

PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Dated: November 15, 2012

Respectfully submitted,

/s/ Randall T. Garteiser
Randall T. Garteiser
Lead Attorney
Texas Bar No. 24038912
randall.garteiser@sfttrialattorneys.com

Christopher A. Honea
Texas Bar No. 24059967
chris.honea@sfttrialattorneys.com
Christopher S. Johns
Texas Bar No. 24044849
chris.johns@sfttrialattorneys.com
GARTEISER HONEA, P.C.
44 North San Pedro Road
San Rafael, California 94903
Telephone: (415) 785-3762
Facsimile: (415) 785-3805

Eric M. Albritton
Texas State Bar No. 00790215
ema@emafirm.com
Stephen E. Edwards
Texas State Bar No. 00784008
see@emafirm.com
Michael A. Benefield
Texas State Bar No. 24073408
mab@emafirm.com
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397

Counsel for Blue Spike, LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser
Randall T. Garteiser